

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

General Administration Department

Notification

No. 4-1-71-GAD

Read: Notification no. 4-1-71-GAD dated 5-11-1971 regarding Public Holidays for 1972.

Under the «Explanation» to Section 25 of the Negotiable Instrument Act 1881 (26 of 1881) read with Notification of Government of India, Ministry of Home Affairs no. 2-6-57-J.II dated 17-12-57, the Administrator hereby declares the 30th December, 1972, Saturday as Bank Holiday, instead of 31st December, 1972, as it falls on Sunday.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. R. Sawant, Deputy Secretary (Appointments).

Panaji, 27th December, 1971.

Office of the District Magistrate of Goa

Notification

MAG/MISC/71-141/983

In exercise of the powers conferred by Section 13 of the Criminal Procedure Code, 1898, as extended to the Union Territory of Goa, Daman and Diu read with Government (Law Department) Order No. LD/252/65 dated 18-6-1965, I Jagdish Sagar, District Magistrate of Goa, Panaji, hereby appoint Shri T. T. Joseph a Magistrate of First Class as Sub-Divisional Magistrate of South Goa Sub-Division, with effect from the date on which he took over charge.

Jagdish Sagar, District Magistrate.

Panaji, 20th December, 1971.

Home Department 'A'

Order

No. HD-44-78/71-A

In exercise of powers conferred by section 9 of the Maintenance of Internal Security Act, 1971 (26 of 1971), the Administrator of Goa, Daman and Diu hereby —

- (1) constitutes an Advisory Board for the purposes of the said Act;
- (2) appoints Shri V. M. Tarkunde to be the Chairman and Shri Tito Menezes and Shri S. K. Sonak to be the other members of the said Board.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandari, Under Secretary (Home).

Panaji, 29th December, 1971.

Finance (Revenue) Department

Notification

No. Fin(Rev)/2-41/Part/1/3222/71

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of entertainment tax the screening of the film «Joi Bangla Desh» in the Union Territory of Goa, Daman and Diu subject to the following conditions: —

1. The rates of admission tickets shall be reduced to the extent of entertainment duty payable on each admission tickets;
2. The proprietor shall maintain separate accounts regarding the tickets issued and submit them to the Commissioner of Entertainment Tax, Panaji;
3. This order shall be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted during the Entertainment.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 23rd December, 1971.

Notification

No. Fin(Rev)2/-41/Part/2/70

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of Entertainment Tax the screening of the film «Ghar Ghar Ki Kahani» on January 2, 1972 at 10.30 A.M. at Cine Aisha, Ponda organised by the Surveyor's Club, Ponda.

2. The exemption is subject to the condition that the net profits accruing from the show are utilised to raise fund for the welfare and Rehabilitation of soldiers, sailors, airmen and their dependents only.
3. The organisers of the show should submit the account to the Commissioner of Entertainment Tax, Panaji as and when the same are required by him.
4. All the tickets proposed to be sold for this show should bear the seal of the prescribed officer or of his office.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 29th December, 1971.

W.O.No. 1772, dt 15-2-72, in the Name of

Notification

No. Fin(Rev)/2-36/12/71

In exercise of the powers conferred by proviso to Section 8 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964), the Government of Goa, Daman and Diu hereby specifies that the tax payable in respect of «Naphtha» shall be levied on the taxable turnover at the first point of sale.

Finance Department

110 Copies

Provided, however, that in respect of the stock of «Naphtha» held by a registered dealer on the date of coming into force of this Notification, the tax shall be levied on the first sale thereof by such dealer.

This Notification shall come into force with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.
Panaji, 30th December, 1971.

Notification

No. Fin(Rev)/2-41/Part/2/3319/71

In exercise of the powers conferred by sub-section (3) of section 5 of the Goa, Daman and Diu Entertainment Tax

Act, 1964, Government is pleased to exempt from the payment of Entertainment Tax the tickets issued for the entertainment programme consisting of film music, dance and drama at Cine National Theatre, Panaji on 11-1-1972 organised by the Friends Music Circle, Panaji.

2. The exemption is subject to the condition that the net profits accruing from the entertainment programme are utilised for the National Defence Fund only.

3. The organisers of the show should submit the account to the Commissioner of Entertainment Tax, Panaji as and when the same are required by him.

4. All the tickets proposed to be sold for this entertainment programme should bear the seal of the prescribed officer or of his office.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.
Panaji, 3rd January, 1972.

Revenue Department

Notification

No. RD/TNC/LND/280/67-71/XLVII

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bunds described in the schedule appended hereto as protective bunds for the purpose of the said proviso.

SCHEDULE

| Sr. No. | Name of the bund | Village | Taluka | Description |
|---------|---|---------|----------|---|
| 1. | Dhahul Main | Navelim | Bicholim | The bund starting with the paddy field «Dhahul Main», belonging to Shri Gopal Dessai, running marginal to the river Mandovi and ending with the paddy field «Dhahul Main», belonging to Shri Gopal Dessai and situated at Navelim of Bicholim Taluka. |
| 2. | a) Cantorla Querem b) Querem Cantor Sapal c) Saryem Karachem Cantorla d) Cantorla de Rocha | Chorao | Goa | The bund starting with the paddy field «Cantorla Querem», belonging to Shri Atmaram Subrai Valco, running marginal to the River Mandovi and ending with the paddy field «Cantorla de Rocha», belonging to Mrs. Lily Rocha, running marginal to the creek of Mandovi River, at Chorao of Goa Taluka. |
| 3. | a) Kerem Khasan b) Kerem Kasan | Siolim | Bardez | The bund starting with the paddy field «Kerem Khasan», belonging to Shri Anant Balkrishan Naik, running marginal to the tributary of river Chapora and ending with the paddy field «Kerem Khasan», belonging to Ramnath Pondorinath Naik, at Siolim, of Bardez Taluka. |
| 4. | Vanca | Carmona | Salcete | The bund starting with the paddy field «Vanca» belonging to Shri Salviano Druston Rodrigues and running marginal to the tributary of the river «Sal» and ending with the paddy fields belonging to Shri Salviano Druston Rodrigues. |

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 28th December, 1971.

Notification

No. RD/LRC/47/71

(The Goa, Daman and Diu Land Revenue Code, 1968)

In partial modification of Government order No. RD/LRC/47/71-I, dated 20-2-1971 and in exercise of the powers conferred by Section 4 of the Goa, Daman and Diu Land Revenue Code, 1968 (Act No. 9 of 1969), the Administrator of Goa, Daman and Diu hereby appoints the Officer mentioned in the Schedule annexed hereto under Column 2, to exercise the powers and discharge the duties and functions of the Revenue and Survey Officers mentioned under Column 3 within the jurisdiction mentioned in Column 4 of the Schedule under the provisions of the Code, with immediate effect.

SCHEDULE

| Sr. No. | Officer | Officer under the Code | Jurisdiction |
|---------|-------------------|------------------------|--------------------------------------|
| 1 | 2 | 3 | 4 |
| 1. | Shri T. T. Joseph | Asstt. Collector | South Goa and Sub-Divisional Officer |

By order and in the name of the Administrator of Goa, Daman and Diu.

P. S. Bhatnagar Secretary (Revenue).
Panaji, 28th December, 1971.

Notification

No. RD/LQN/253/71

Land Acquisition Act 1894 (Act I of 1894)

Whereas it appears to the appropriate Government (hereinafter referred to as «the Government») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is needed for public purpose viz. for Slum Clearance Scheme.

And whereas in the opinion of the Government that the provisions of sub-section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») are applicable.

Therefore the Government is pleased to notify under sub-section 4 of the said Act that the said land is needed for the purpose specified above.

The Government is also pleased to direct under sub-section (4) of Section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyors or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, lease, mortgage, assignment, exchange, or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector after the date of the publication of this Notification, will under clause (seventh)

of section 24 of the said Act, be disregarded by the officer assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette, in the due course. If the acquisition is abandoned wholly or in part, the fact will be duly notified in the Official Gazette.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, Collector's Office, Panaji Goa, to perform the functions of a Collector under the said Act, in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of section 4 of the said Act, the following Officers to do the act, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, Collector's Office, Panaji.
3. The Secretary, Goa, Daman and Diu Housing Board, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer Collector's Office, Panaji for period of 30 days from the date of this notification.

SCHEDULE

| Taluka | Village | Plot No. | Survey No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|--|---------|----------|-------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| Mormu-gaum | Vaddem | — | 1246 (Part) | Comunidade of Vaddem. | 184290.00 |
| Boundaries: | | | | | |
| North: Part of Survey No. 1246 held by Comunidade of Vaddem. | | | | | |
| South: Government land held by W. I. P. Railway. | | | | | |
| East: Plots held by Joao Bento Mascarenhas, heirs of Jose Joaquim Barreto, water trench, Manoel Jesus de Araujo and others. Plots held by Antonio Vicente Sequeira, Chapel of S. Das Mercês of Vaddem, Francisco Joao de Melo and others. Lane belonging to Comunidade of Vaddem. Plots held by Galdino Monteiro, Manuel Jesus de Araujo Alvares and others. Plots held by Ciforiano Dias, Francisco Jose Correira, Filomeno Dias, Cosme Floriano Dias and others. Plots held by Randolpho S. Dias Mercês Mendes, Ciforiano Constantino Dias, Heirs of Jose Barreto and others. Plot held by Randolpho Sebastiao Das Mercês Mendes and Joao Salvador Dias. | | | | | |
| West: Plot held by Comunidade of Vaddem. Plot held by Joao Apolinario Sanches. Plot held by Rosendo Pan-cracio de Araujo. Plot held by Comunidade of Mormugaum. | | | | | |
| Total | | | | | 184290.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary (Revenue).

Panaji, 29th December, 1971.

Notification

No. RD/LQN/270/70

Whereas it appears to the Appropriate Government (hereinafter referred to as «the Government») that the land specified in the schedule hereto (hereinafter referred to as the «said land») is likely to be needed for public purpose viz. reconstruction of Post Office Building.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the

said acquisition. Any contracts for the disposal of the said land by sale, lease mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector, appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (Seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Government Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acqui-

sition Officer, Panaji to perform the functions of a Collector under the said Act, in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land;

- 1. The Collector of Goa, Panaji.
- 2. The Land Acquisition Officer, Panaji.

- 3. The Director of Land Survey, Panaji.
- 4. The Superintendent of Post Office, Panaji.
- 6. A rough plan of the said land is available for inspection in the Office of the Land Acquisition Officer, Collector's Office, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.
- 7. This supersedes the Government Notification No. RD/LQN/270/70, dated 25-5-1971, published on page 57 of Series II, No. 10 of the Official Gazette dated 3-6-1971.

SCHEDULE

(Description of the said land)

| Taluka | Village | Plot No. | Survey No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|--------|-----------|----------|------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| Bardez | Calangute | I | 3568 | Comunidade of Calangute. | 1168.25 |

By order and in the name of the Lt. Governor/Administrator of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary, (Revenue).
Panaji, 29th December, 1971.

Collectorate of Goa

Notification

No. RB/REV/62/2786

In partial modification of Notification No. RB/REV/62/1588, dated 10th April, 1971 and in exercise of the powers conferred by Section 4 of the Goa, Daman and Diu Land Revenue Code 1968, read with Govt. Notification no. RD/LRC/47/71-II, dated 26th February, 1971, published on page 440, Series II, No. 49 of Government Gazette dated 5th March, 1971, I Shri Jagdish Sagar, Collector of Goa, on behalf of Government hereby appoints the Officer mentioned in the schedule annexed hereto under column 2 for the purpose of the Land Revenue Code, 1968, in respect of his jurisdiction mentioned in column 4 of the Schedule with effect from the date on which he took over charge from Shri S. S. Rao, Mamlatdar, Bardez Taluka.

SCHEDULE

| Sr. No. | Name of Officer | Officer under the Code | Jurisdiction |
|---------|------------------|------------------------|---------------|
| 1 | 2 | 3 | 4 |
| 1. | Shri M. T. Mate. | Mamlatdar | Bardez Taluka |

Jagdish Sagar, Collector of Goa.
Panaji, 21st December, 1971.

Corrigendum

No. COL/EST/Rev. Code/71/139/I/1278

In partial modification to this Office Notification No. COL/EST/Rev. Code/71/139/I, dated 31-8-1971, the following amendment is hereby issued:—

SCHEDULE

| Sr. No. | Designation of the Officer and the village where working at present | Officer under the Code | Jurisdiction in the Saza as constituted under Order No. RDE/REV/3/1970 dated 30-7-1971 |
|---------|---|------------------------|--|
| 1 | 2 | 3 | 4 |
| 6. | Talathi of Goa-Velha | Talathi | Batim |
| 12. | Talathi of Jua | Talathi | Jua |
| 13. | Talathi of Cumbarjua | Talathi | Cumbarjua |

Jagdish Sagar, Collector of Goa.
Panaji, 15th December, 1971.

Civil Administration Services

Order

No. COL/CAB/COM/6

Under the proposal of the Administrator of Salcete Comunidades, the following persons are appointed as members of the Managing Committee, for the current triennium of 1971-74:—

Comunidade of Varca

President: Alvaro Pizarro Furtado.
Vice-President: Cipriano Salvador Pereira.

Jagdish Sagar, Collector and DCA.
Panaji, 9th December, 1971.

Order

No. COL/CAB/COM/MC/II/5

Under the proposal of the Administrator of Goa Comunidades, Shri Vassudeva Janardana Camotim Daconcar is appointed as Cashier of the Managing Committee of the Comunidade of Marcaim for the current triennium, 1971-74.

Jagdish Sagar, Collector and DCA.
Panaji, 21st December, 1971.

Law and Judicial Department

Notification

The following notification issued by Government of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary.
Panaji, 28th December, 1971.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(Griha Mantralaya)

New Delhi, dated 26th October, 1971

Notification

No. 20/4/71-Judl(B)

In exercise of the powers conferred by section 4(1) of the Goa, Daman and Diu (Judicial Commissioner's Court)

Regulation 1963 (Regulation 10 of 1963), the President is pleased to appoint Shri Tito Menezes, District Judge, Panaji, to act as Judicial Commissioner for the Union Territory of Goa, Daman and Diu with effect from the 2nd November, 1971, until further orders.

sd/-

K. THYAGARAJAN

Deputy Secretary to the Govt. of India.

Food and Civil Supplies Department

Public Works Department

Principal Engineer's Office

Notification

No. PWD/LA/1258/68/71

Whereas by Government Notification No. PWD/LA/1258/34/71 dated 5-7-1971 published on page 89 of Series II, No. 15 of the Government Gazette, dated 8-7-1971 it was

notified under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as «the said Act») that the land specified in the schedule appended to the said Notification (hereinafter referred to as the «said land») was likely to be needed for the public purpose viz. approach road to Borim Bridge to carry pipe line 12 mgd. water supply scheme.

And whereas the appropriate Government (hereinafter referred to as «the Government») is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

| Taluka | Village | Plot No. | Survey No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|---------------------------|---------|----------|------------|---|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| Ponda | Borim | 1 | — | Shri Ramchandra Saucar, Near Forest Colony Ponda. | 1833.94 |
| Boundaries: | | | | | |
| North: Ponda Margao road. | | | | | |
| South: River Zuari. | | | | | |
| East: Shanu Saucar. | | | | | |
| West: Shanu Saucar. | | | | | |
| Total | | | | | 1833.94 |

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Balcrisna R. Naique, Principal Engineer, P.W.D. and Ex-Officio Addl. Secretary to the Government.

Panaji, 28th December, 1971.

Development Department 'B'

Order

No. F-1-3-70-GHB-III

Read: Government orders No. F-1-3-GHB(I) dated 10-12-1970 and 15-4-1971.

In partial modification of the Government order dated 15-4-71 referred to above, the Administrator of Goa, Daman and Diu is pleased to order that only following residuary activities of Ex-Junta be retained with the Public Works Department and the rest transferred to the Chief Accounts Officer of the Goa, Daman and Diu Housing Board with immediate effect;

1. Hire of furniture;
2. Unserviceable/surplus material;
3. Immovable assets;

This issues with the concurrence of the Finance Department vide their U. O. No. FC/2391/71 dated 12-8-71.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Planning).

Panaji, 28th December, 1971.

Labour and Information Department

Order

No. LC/1/140/(IT-3)/70-71

The following Award given by the Industrial Tribunal, Goa, Daman and Diu, on an Industrial Dispute between M/s. V. M. Salgaocar & Brother Pvt. Ltd., Sambhaji, and 19 others and the workmen employed by them, is hereby published as required vide provisions of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947):—

Before Shri N. L. Abhyankar, Industrial Tribunal, Goa, Daman and Diu

Ref: (IT-GDD) Nos. 6 of 1967 and 4 of 1970

Between

M/s. V. M. Salgaoncar and Bros. Pvt. Ltd., and 19 Ors.

And

The workmen employed under them

In the matter of interim relief, D.A. etc., and in the matter of wages and allowances, normal working hours, rate of over-time etc.

Appearances:

Shri P. K. Rele of M/s. Crawford Bayley and Co. Solicitors for the employers.

Shri H. K. Sowani, Advocate, for the workmen.

AWARD PART III

These two references being Ref: (IT-GDD) No. 6 of 1967 and Ref: (IT-GDD) No. 4 of 1970 have been referred for adjudication by the Govt. of Goa, Daman and Diu under Sec. 10(1) of the Industrial Disputes Act, (XIV of 1947). The disputes relate to the demand made by the workmen on their employers namely Messrs. V. M. Salgaonkar & Bros. Pvt. Ltd., and 19 others for interim relief, dearness allowance, wages, allowances, normal working hours, rate of over-time payment, etc.

2. In these references I have already made Award Part I on 16th November 1970 and Award Part II on 2nd April 1971, disposing of the references so far as most of the employers are concerned except (1) Agencia Geral party No. 6, (2) Orient Goa party No. 8, (3) Chowgule and Co. party No. 10 and (4) Cesa Goa party No. 19. At the hearing fixed at Panaji on 7th October 1971 Shri Rele appeared for the employers and Sowani appeared for the workmen. They stated that so far as Agencia Geral and Orient Goa are concerned the dispute had been settled. They also filed joint applications to that effect. I therefore pass an award in respect of these two employers that the dispute does not survive and dispose of the reference so far as these two employers are concerned.

3. So far as Cesa Goa is concerned both parties state that the settlement filed is accepted by both the parties. The parties have also requested for an award in terms of the said settlement. I find the settlement is fair and make an award in terms of the said settlement annexed hereto. The reference stands disposed of so far as Cesa Goa is concerned.

4. As regards Chowgule and Co., Shri Sowani stated that in view of the settlement in conciliation dated 23rd January 1969 the workmen did not want to prosecute this reference. I therefore pass an award in respect of Chowgule and Co., that the dispute does not survive. The reference so far as Chowgule & Co. is concerned stands disposed of.

5. In view of the awards made from time to time in respect of all the employers, the whole reference now stands disposed of.

Sd/-

N. L. ABHYANKAR
Industrial Tribunal.

Bombay, 22nd October, 1971.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 29th December, 1971.

TRUE COPY

Memorandum of Settlement arrived at under Section 2(P) of the Industrial Disputes Act, 1947 between Messrs. Sesa Goa Private Ltd., Panjim, and the Goa Bargemen Union, Vasco da Gama, representing their bargecrew

Names of parties

| Representing Employers: | Representing Workmen: |
|--|---|
| 1. G. Gualco Administration Manager | 1. Shivram Ajaonkar, General Secretary of the Union |
| 2. A. V. Salgaonkar Personnel Officer | 2. Agnelo Rodrigues, Driver, Barge 'Nurra' |
| | 3. Bissu V. Tari, Master, Barge 'Timo' |
| | 4. Joao Rodrigues, Driver, Barge 'Ferromo-9' |
| | 5. Pascoal Cardozo, Master, Barge 'Ferromo-11' |
| | 6. Agostine Fernandes, Driver, Barge 'Ferromo-1' |

Short recital of the case

Most of the bargeowners and their bargecrew represented by the Goa Dock Labour Union, Vasco da Gama, had agreed to refer the dispute with regard to wages, allowances and other service conditions of bargecrew, which formed the subject matter of the References (IT-GDD) No. 6 of 1967 and IT-GDD No. 4 of 1970 pending before the Industrial Tribunal, Goa, Daman and Diu, to the arbitration of Shri D. N. Barua, Secretary, Industries and Labour Department, Panjim, vide arbitration agreement dated 13-10-1970. M/s. Sesa Goa Private Ltd., and the Goa Bargemen Union were not parties to the arbitration agreement as their bargecrew did not express their willingness to join the arbitration. They had requested the Company to extend to them the benefits arising out of the Arbitration award if they were more favourable and if they were implemented by the other bargeowners and the Company had agreed to do so.

The award of the arbitrator has been published in the Goa Government Gazette, Series II No. 41 dated 11-1-1971 according to which the bargecrew of Companies who were parties to arbitration are entitled to certain additional wage and other benefits. Both the parties therefore met on 8-2-1971 to consider the arbitrator's award and to find out as to which are the more advantageous benefits which should be extended to the Company's bargecrew. After prolonged discussions the parties have agreed to the following terms of settlement.

Terms of Settlement

1. **Scales of pay:** The scales of pay contained in the award for Group I bargecrew shall be extended to the Company's bargecrew as basic scales of pay with effect from 1-1-1969 in place of the existing consolidated scales of pay. Drivers holding 1st class Certificates of Competency/Certificate of Service/Permanent Licence/Permanent Authorisation and Working on barges requiring the services of 1st class drivers under Inland Steam Vessels Act, 1917, shall be given the scale of pay applicable for 1st class drivers and such drivers shall be given an increase of Rs. 50/- maximum in their scale or the amount lower than Rs. 50/- which will fit in their scale of pay with effect from 1-4-1970 if they were already in the possession of the 1st class certificate on that date. In respect of drivers obtaining 1st class certificates on a date subsequent to 1-4-1970 they shall be given the above increase from such subsequent dates. The separate allowance of Rs. 15/- awarded for sailor-clerks shall be incorporated in the scale of pay applicable to them.

2. **Qualification allowance:** Masters holding 1st class certificate of Competency/Certificate of Service/Permanent Licence/Permanent Authorisation and working on barges requiring the services of 1st class Masters under Inland Steam Vessels Act, 1917, shall be given the qualification allowance of Rs. 50/- each, per month from 1-1-1969 or from the actual date if the above requirements are fulfilled from a date subsequent to 1-1-1969.

As regards qualification allowance of Rs. 25/- per month, payable to each qualified Asst. Master and Asst. Driver with effect from 1-1-1969 it is agreed that the allowance shall be paid to those Assistants who hold certificates not lower than the 3rd class Master's Certificate of Competency or the 3rd class driver's Certificate of Competency/Certificate of Service/Permanent Licence/Permanent Authorisation issued under the Inland Steam Vessels Act, 1917. Persons acquiring any of the above qualifications from a date subsequent to 1-1-1969 shall be entitled to the said qualification allowance from such a subsequent date.

3. **Dearness allowance:** It is agreed that dearness allowance shall be paid to bargecrew with effect from 1-1-1969 on the basis recommended by the Central Wage Board for Port & Dock Workers for port and dock employees.

4. **Compensatory allowance:** It is agreed that the bargecrew shall be paid with effect from 1-1-1969 31% (thirty one per cent) of their monthly basic pay subject to the minimum of Rs. 45/- per month as compensatory allowance to compensate them for their being on board round the clock and the consequential loss of rest hours.

5. **House rent allowance:** It is agreed that the bargecrew shall be paid house rent allowance with effect from 1-1-1969 at the rate of 8% of their basic pay subject to the minimum of Rs. 10/- and maximum of Rs. 35/- per month.

6. **Fitment money and Fitment formula:** It is agreed that the Bargecrew shall be given fitment money with effect from 1-1-1969 at rates shown in Para 108 of the award i.e.

Rs. 42/-, Rs. 38/- or Rs. 35/- as the case may be, and the fitment formula contained therein shall be adopted for arriving at the basic rates of pay and rates of other allowances such as dearness allowance, house rent allowance etc. on the basis of the total emoluments drawn by crew members as on 1-1-1969.

7. *Children's Education Allowance:* It is agreed that reimbursement of actual school fees paid in respect of maximum two legitimate children of barge employees (adopted children excluded) studying in Std. IX, X and XI shall be made by the Company on production of a certificate to that effect from the Head Master or Principal of the school concerned in a form that may be prescribed by the Company.

8. *Washing allowance:* It is agreed that engineroom personnel (Drivers and Asstt. Drivers) who are provided with uniforms shall be paid Rs. 3.50 each and other crew members Rs. 2.50 each, per month as washing allowance with effect from 1-1-1969.

9. *Trip allowance:* It is agreed that the bargecrew shall continue to get trip incentive premium from the first trip onwards as in the past. The existing rates of trip allowance applicable to Masters and Drivers shall be continued as the same are more favourable than those awarded by the Arbitrator for them. In respect of other crew members it has been noticed that the rates of trip allowance as per Company's Scheme are more advantageous to the crew upto a certain limit and thereafter the rates as per the award are higher. It is agreed that these crew members shall be paid trip incentive at rates whichever are more favourable to them. It is further agreed that the additional trip incentive premium introduced with effect from 1-6-1969 vide mutual settlement dated 22-9-1969 entered into between the Company and the Goa Bargemen Union was subject to adjustment against any increase that may accrue to bargecrew as a result of any award or directive from any authority, and the Management's decision to implement the same, shall not be adjusted against any of the increases allowed to bargecrew under this Settlement in the future.

10. *Short-hand money:* It is agreed that the rates of short-hand money per trip payable to bargecrew with effect from 1-1-1969 shall be as under:

| | 1969 | 1970 | 1971 |
|--|-------|-------|-------|
| | Rs. | Rs. | Rs. |
| To Master in the absence of Asstt. Master | 11-75 | 12-00 | 12-50 |
| To Driver in the absence to Asstt. Driver | 11-75 | 12-00 | 12-50 |
| To Asstt. Master in the absence of Master | 19-50 | 19-75 | 20-00 |
| To Asstt. Driver in the absence of Driver | 18-50 | 18-75 | 19-25 |
| To the remaining 4 Sailors if a sailor is absent (to be equally divided) | 9-50 | 9-75 | 10-00 |

If two or more sailors are absent for a trip the remaining sailors shall get short-hand money equally on the basis of the above rates applicable to sailors. It is further agreed that the rates of short-hand money payable to bargecrew shall be revised every year from 1972 onwards depending on the changes in the rates of wages, dearness allowance and compensatory allowance payable to bargecrew.

11. *Gratuity:* It is agreed that the gratuity scheme already in force shall continue to apply as that scheme and the scheme awarded by the Arbitrator are identical.

12. *Medical facilities:* It is agreed that for general ailments the barge employees shall receive medical advice and necessary treatment and medicines from the Company's doctor free of charge. Reimbursement of medical expenses on treatment received from an outside doctor in respect of their general ailments while on authorised leave shall be allowed if such bills and prescriptions are approved by the Company's doctor. For general ailments in respect of their family members (legally married wife and legitimate children only) medicines worth Rs. 75/- in a calendar year shall be reimbursed by the Company on production of the medical bills duly supported by related prescriptions from a registered medical practitioner.

It is further agreed that in cases of employees suffering from T. B. full expenses on treatment taken as per direc-

tions of the Company's doctor shall be borne by the Company and such employees shall be allowed special sick leave to the extent prescribed/approved by the Company's doctor and a maximum three months of such leave shall be with full pay. In all other cases of specialist treatment, surgical intervention or hospitalization (expenses of false teeth and spectacles excluded) 50% of the approved medical expenses shall be reimbursed by the Company.

13. *Leave benefits:* It is agreed that all the barge employees who are presently on the permanent muster-roll of the Company shall continue to avail of the total leave benefits of 39 days per annum for the first two years of continuous service as under:

Privilege leave—21 days with accumulation upto 42 days.

Sick leave—10 days with accumulation upto 20 days.

Casual leave—7 days with no accumulation.

From the third year onwards their total leave benefits will be raised to 45 days as under:

Privilege leave—30 days a year with accumulation upto 100 days.

Sick leave—15 days a year with accumulation upto 45 days.

This will be effective from 1-1-1969. There shall be no separate casual leave.

It is further agreed that in respect of barge employees taking up employment hereafter the leave benefits shall be as under:

For the first two years of continuous service:

Privilege leave—15 days a year with accumulation upto 30 days.

Sick leave—15 days a year with accumulation upto 30 days.

From the third year of continuous service onwards:

Privilege leave—30 days a year with accumulation upto 100 days.

Sick leave—15 days a year with accumulation upto 45 days.

14. *Supply of personal items:* It is agreed that the existing pattern shall continue so far as supply of crockery and cutlery is concerned. The Company shall supply two bars of washing soap to each barge every month and one toilet soap to each crew member every month. As regards bedding and linen it is agreed that a mattress and a pillow of cotton shall be supplied to each crew member within three months from the date of signing this settlement. Each crew member shall also be supplied with three pillow cases, three bedsheets and two bedspreads along with the mattresses and pillows and thereafter two pillow cases, two bedsheets and one bedspread every year. The mattresses and pillows shall be replaced only after a minimum period of three years.

15. *Insurance:* It is agreed that in case a crew member takes an insurance policy on his own life upto a limit of Rs. 5,000/- due to hazards of the occupation, the premium on the accident benefit or additional risk premium shall be reimbursed by the Company. The usual premium shall however be paid by the employee concerned.

16. *Ad-hoc monthly payments:* It is agreed that the total amount received by bargecrew by way of monthly adhoc payments with effect from 1-10-1966 and by way of implementation of the interim recommendations of the Central Wage Board for Port and Dock Workers on adhoc basis with effect from 1-7-1967 vide earlier settlements to that effect shall be treated as dearness allowance and shall not be recovered and the P. F. money shall be deducted on the total amount so paid. No bonus shall be payable on the amounts as the said payments were already taken into account for the purpose of payment of annual bonus under the Payment of Bonus Act, 1965.

It is further agreed that the bargecrew shall be paid an additional amount of 6½% of the adhoc payments made as above.

17. *Implementation & Payment of arrears:* It is agreed that wages for the month of February 1971 shall be paid as per new rates contained in the settlement and the arrears accruing to bargecrew for the period from 1-1-1969 to 31-1-1971 shall be calculated and paid in full on or before 30-4-1971.

18. It is agreed by both the parties that since the issues that formed the subject matter of the two References IT-GDD No. 6 of 1967 and IT-GDD No. 4 of 1970 pending before the Industrial Tribunal, Goa, Daman and Diu, have been amicably settled by this settlement, no dispute survives under the two References in relation to the Company and its bargecrew. Both the parties therefore agree to make a joint application to the Industrial Tribunal with a prayer to dispose of the References accordingly in respect of the Company and their bargecrew.

| | |
|---|---|
| <p>Representing Sesa Goa Private Ltd.</p> <p>Sd/-</p> <p>1. (G. Gualco) Administration Manager</p> <p>Sd/-</p> <p>2. (A. V. Salgaonkar) Personnel Officer</p> | <p>Representing Goa Bargemen Union</p> <p>Sd/-</p> <p>1. (Shivram Ajgaonkar) General Secretary</p> <p>Sd/-</p> <p>2. (Agnelo Rodrigues)</p> <p>Sd/-</p> <p>3. (Bissu V. Tari)</p> <p>Sd/-</p> <p>4. (Joao Rodrigues)</p> <p>Sd/-</p> <p>5. (Pascoal Cardozo)</p> <p>Sd/-</p> <p>6. (Agostine Fernandes)</p> |
|---|---|

Witnesses: 1. Sd/-
2. Sd/-

Panaji, dated 8th February, 1971.

Notification

No. LID/224/71/403

In exercise of the powers conferred by Section 4 of the Industrial Dispute Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu is pleased to appoint Shri N. Rajashekar, Labour Commissioner, Panaji as Conciliation Officer, for the whole area of Union Territory of Goa, Daman and Diu in respect of all the industries in respect of which the State Government is the appropriate Government.

This issue in supersession of the Government Notification No. LID/224/70/907 dated 12th October, 1970.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

J. C. Almeida, Secretary, Industries and Labour.

Panaji, 5th January, 1972.

Notification

No. LID/224/71/404

In exercise of the powers conferred by Section 3 of the Indian Trade Unions Act, 1926 (16 of 1926) as applicable to the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu, hereby appoints Shri N. Rajashekar, Labour Commissioner, as Registrar of Trade Unions for the Union Territory of Goa, Daman and Diu.

This issues in supersession of the Government Notification No. LID/224/70/908 dated 12th October 1970.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

J. C. Almeida, Secretary, Industries and Labour.

Panaji, 5th January, 1972.

Notification

No. LID/224/71/405

In exercise of the powers conferred by sub-section (i) of Section 20 of the Workmen's Compensation Act, 1923 (8 of 1923) as applicable to the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri N. Rajashekar the Labour Commissioner, as the Commissioner for Workmen's Compensation for the whole area of Union Territory of Goa, Daman and Diu.

This supersedes the Government Notification No. LID/224/70/910 dated 12th October 1970.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

J. C. Almeida, Secretary, Industries and Labour.

Panaji, 5th January, 1972.

Notification

No. LID/224/71/406

In exercise of the powers conferred by sub-section (1) of Section 4 of Motor Transport Worker's Act, 1961 (27 of 1961) as applicable to the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri N. Rajashekar, Labour Commissioner, as the Chief Inspector for the purpose of the said Act, for the whole area of Union Territory of Goa, Daman and Diu.

This supersedes the Government Notification No. LID/224/70/909 dated 12th October 1970.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

J. C. Almeida, Secretary, Industries and Labour.

Panaji, 5th January, 1972.